

In the Claims:

Please amend claims 1-2, 13, 23 and 47, and add new claim 48-50, as shown below.

1. (Currently Amended): A tool for preparing ~~the~~ vertebral bodies for an implant comprising:  
  
a cutter having,  
  
a forked end having two tines, each of said tines having an inner side and an outer side,  
  
a first cutting blade ~~located on~~ extending from the ~~an~~ inner side of each of the tines and  
  
extending in a first direction from each of the tines; wherein the first cutting blade is adapted  
  
to cut a groove in a first vertebral body in the first direction, and  
  
a second cutting blade ~~located on~~ extending from an outer side of each of the tines and  
  
extending in a second direction from each of the tines; wherein the second cutting blade is  
  
adapted to cut a groove in a second vertebral body in the second direction; wherein the  
  
second direction being opposite from the first direction.
  
2. (Currently Amended): The tool according to claim 1 wherein the tool is hand held; wherein  
  
the first and the second cutting blades are parallel to each other and over the entire length of the blade  
  
cutting surface, the first and second blades are parallel to the handle of the tool ~~the first cutting blades are~~  
  
~~inboard of the second cutting blades.~~
  
3. (Original): The tool according to claim 1 wherein the second cutting blades are placed  
  
further apart than the first cutting blades.

4. (Original): The tool according to claim 1 wherein the two tines have beveled leading edges.
5. (Original): The tool according to claim 1 further having a blade protector.
6. (Original): The tool according to claim 5 wherein the blade protector is retractable.
7. (Previously Presented):The tool according to claim 1 wherein the first cutting blades are coplanar with the inner side of each tine.
8. (Previously Presented):The tool according to claim 1 wherein the first cutting blades are coplanar with the outer side of each tine.
9. (Previously Presented):The tool according to claim 1 wherein the first and second blades are positioned and adapted to bypass nerves.
10. (Previously Presented):The tool of claim 1 wherein the tines have inboard and outboard beveled surfaces that converge and the first cutting blades have surfaces that are continuous with the inboard beveled surfaces and the second cutting blades have surfaces that are continuous with the outboard beveled surfaces.

11. (Previously Presented):The tool of claim 1 wherein the first cutting blades are upper cutting blades and the second cutting blades are lower cutting blades.

12. (Previously Presented):The tool of claim 1 wherein the second cutting blades are lower cutting blades positioned and adapted to bypass nerves.

13. (Cancelled): A hand held tool for preparing the vertebral bodies for an implant comprising:

a cutter having,

a forked end having two tines, and

an upper cutting blade located on an inner side of each of the tines; wherein over the entire length of the blade cutting surface, the blade is parallel to the handle of the tool.

14. (Cancelled): The tool according to claim 13, the cutter further comprising:

a lower cutting blade located on an outer side of each of the tines.

15. (Cancelled): The tool according to claim 13 wherein the tool has a handle at a distal end.

16. (Cancelled): The tool according to claim 15 wherein the handle is a removable handle.

17. (Cancelled): The tool according to claim 13 wherein the two tines have beveled leading

edges.

18. (Cancelled): The tool according to claim 13 further having a blade protector.
19. (Cancelled): The tool according to claim 18 wherein the blade protector is retractable.
20. (Cancelled): The tool according to claim 13 wherein the upper cutting blades are coplanar with the inner surface of each tine.
21. (Cancelled): The tool according to claim 14 wherein the lower cutting blades are coplanar with the outer surface of each tine.
22. (Cancelled): The tool according to claim 14 wherein the upper and lower blades are positioned and adapted to bypass a pair of nerves.
23. (Cancelled): A hand held tool for preparing the vertebral bodies for an implant comprising:
  - a cutter having,
  - a forked end having two tines, and
  - a lower cutting blade located on an outer side of each of the tines; wherein over the entire length of the blade cutting surface, the blade is parallel to the handle of the tool.

24. (Cancelled): The tool according to claim 23, the cutter further comprising:  
an upper cutting blade located on an inner side of each of the tines.
25. (Cancelled): The tool according to claim 24 wherein the upper cutting blades are  
inboard of the lower cutting blades.
26. (Cancelled): The tool according to claim 24 wherein the lower cutting blades are spread  
further apart than the upper cutting blades.
27. (Cancelled): The tool according to claim 23 wherein the two tines have beveled lead  
in edges.
28. (Cancelled): The tool according to claim 23 further having a blade protector.
29. (Cancelled): The tool according to claim 28 wherein the blade protector is retractable.
30. (Cancelled): The tool according to claim 24 wherein the upper cutting blades are  
coplanar with the inner side of each tine.
31. (Cancelled): The tool according to claim 23 wherein the lower cutting blades are  
coplanar with the outer side of each tine.

32. (Cancelled): The tool according to claim 24 wherein the upper and lower blades are positioned and adapted to bypass a pair of nerves.

33. (Withdrawn): A method of implanting an artificial disk between adjacent vertebrae comprising the steps of:

accessing first and second adjacent vertebrae;  
simultaneously preparing a first pair of slots in the first vertebra and a second pair of slots in the second vertebra; and  
implanting keels of the artificial disk in the first pair of slots and in the second pair of slots.

34. (Withdrawn): The method of claim 33 including the step of:  
preparing the first pair of slots to be closer together than the second pair of slots.

35. (Withdrawn): The method of claim 33 including the step of:  
preparing the first pair of slots to be inboard of the second pair of slots.

36. (Withdrawn): The method of claim 33 including the step of using a tool with first and second tines that are positioned in the disk space between the first and second vertebrae with a first blade that creates one of the first slots located on an upper surface of each tine and a second blade that can create one of the second slots located on a lower surface of each tine.

37. (Withdrawn): The method of claim 33 wherein the implant includes a first pair of upper and lower implant parts and a second pair of upper and lower implant parts, including the steps of:

using a tool to hold the first pair of implants and placing the first pair of implants simultaneously in one of the first pair of slots and one of the second pair of slots; and

using a tool to hold the second pair of implants and placing the second pair of implants simultaneously in the other of the first pair of slots and the other of the second pair of slots.

38. (Withdrawn): A method of implanting an artificial disk between adjacent vertebrae comprising the steps of:

accessing upper and lower adjacent vertebrae;

simultaneously preparing a first pair of inboard upper slots in the upper vertebra and a second pair of outboard lower slots in the second vertebra; and

implanting keels of the artificial disk in the first pair of slots and in the second pair of slots.

39. (Withdrawn): The method of claim 38 including the step of using a tool with first and second tines that are positioned in the disk space between the first and second vertebra with a first blade that creates one of the first slots located on an upper surface of each tine and a second blade that can create one of the second slots located on a lower surface of each tine.

40. (Withdrawn): The method of claim 38 wherein the implant includes a first pair of upper and lower implant parts and a second pair of upper and lower implant parts, including the steps of:

using a tool to hold the first pair of implants and placing the first pair of implants simultaneously in one of the first pair of slots and one of the second pair of slots; and

using a tool to hold the second pair of implants and placing the second pair of implants simultaneously in the other of the first pair of slots and the other of the second pair of slots.

41. (Withdrawn): A kit for installing an intervertebral implant including:

an implant having an upper part and a lower part;

a cutting tool; and

an implanting insertion tool.

42. (Withdrawn): The kit of claim 41 including the cutting tool and further including first and second tines with an upper cutter on each tine and a lower cutter on each tine, with the upper cutters located inboard of the lower cutters.

43. (Withdrawn): The kit of claim 41 including the implant and further including a pair of upper and lower parts on the implant and a second pair of upper and lower parts, wherein the implant insertion tool includes a device that can hold and insert the first pair of upper and lower parts.

44. (Withdrawn): The kit of claim 43 including another implant insertion tool that can hold and insert the second pair of upper and lower parts.

45. (Withdrawn): The kit of claim 41 wherein the implant includes a ball and socket structure.

46. (Withdrawn): The kit of claim 41 wherein the implant includes a ball and socket structure as part of the upper and lower parts.

47. (Currently Amended): A tool for preparing upper and lower vertebral bodies for an implant, the tool comprising:

- (a) a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive an implant;
- (b) a first cutting blades protruding upwardly from the cutter body and adapted to cut a groove in the upper vertebral body; and
- (c) a second cutting blades protruding downwardly from the cutter body and adapted to cut a groove in the lower vertebral body, wherein the first and second cutting blades are parallel to one another; wherein the second cutting blades are outboard of and spaced from the first cutting blades.

#### New Claims

Please add the following new claims.

48. (New): A tool for preparing the vertebral bodies for an implant comprising:
- a cutter having,
  - a forked end having two tines, each of said tines having an inner side and an outer side,

a first cutting blade extending in a plane lateral to the sagittal plane from the inner side of each of the tines and extending in a first direction from each of the tines, and a second cutting blade extending in a plane lateral to the sagittal plane from the outer side of each of the tines and extending in a second direction from each of the tines; wherein the second direction being opposite from the first direction.

49. (New): A tool for preparing upper and lower vertebral bodies for an implant, the tool comprising:
- a. a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive the implant;
  - b. a first cutting blade protruding upwardly from the cutter body and adapted to cut a groove in the upper vertebral body; and
  - c. a second cutting blade protruding downwardly from the cutter body and adapted to cut a groove in the lower vertebral body, wherein the first and second cutting blades are parallel to one another; wherein the second cutting blades are spaced from the first cutting blades by the thickness dimension of the cutter body.
50. (New): A tool with a handle by which it is held, for preparing upper and lower vertebral bodies for an implant, the tool comprising:
- a. a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive the implant;

- b. a first cutting blade protruding upwardly from the cutter body and adapted to cut a groove in the upper vertebral body; and
- c. a second cutting blade protruding downwardly from the cutter body and adapted to cut a groove in the lower vertebral body, wherein the first and second cutting blades are parallel to one another and wherein for the entire length of the blade cutting surface, the blade is parallel to the handle of the tool.